

**From:** David W Schuler  
**To:** Microsoft ATR  
**Date:** 1/24/02 8:26pm  
**Subject:** Microsoft Settlement

Dear Sir:

I am writing today to protest the recently proposed settlement for damages relating to the monopoly status of Microsoft. I believe that both my employer and I, personally, have been damaged by Microsoft.

The recently proposed settlement does not attempt to provide restitution to the affected businesses and individuals who have been forced to either buy copies of Windows when they did not want them, or to pay higher than free-market prices for their software.

To support my first claim that at times I did not want to buy Windows at all, I offer the following. Both my employer and I run the Linux operating system on some of our systems. Those systems purchased from any of a number of companies, including IBM, were only available with Microsoft's Windows operating system pre-installed. As a consumer, I was not allowed to purchase a system without this operating system installed, and I also was not offered a choice of any other operating systems on my Intel-compatible x86 computer. Thus, I was required to purchase software and license for a system on which I did not desire to run the Microsoft operating system.

It has also been established that due to its monopoly position, Microsoft was able to charge a higher than normal price for its products. For the computers I own at home that do run the Windows operating system, I have purchased copies of Windows 95, Windows 98, Windows 98 Second Edition and Windows 2000. All of these copies were purchased as upgrades or full copies, at retail prices. The fact that there are never any "sale prices" on Microsoft software points out, in my opinion, part of the monopoly position that Microsoft possesses. They are able to control and manipulate the marketplace sufficiently enough to control pricing at a vast number of different retail establishments.

Any proposed settlement should, in my mind, be viewed as a penalty for Microsoft. It should NOT allow Microsoft to make any "donations" of software or services. It should not allow Microsoft to write off the expense as a "donation" or contribution to schools or non-profit agencies. ANY SETTLEMENT SHOULD BE IN THE FORM OF A REFUND / REBATE TO THE CONSUMER WHO WAS FORCED TO PURCHASE MICROSOFT'S PRODUCT AT INFLATED PRICES. There should be no strings attached to the refund that require purchase of a future Microsoft product or service, it should be a true no-strings refund.

As an injured consumer who has been victimized by Microsoft's monopoly position, I would hope that you would ensure that I am compensated for

the way that Microsoft has defrauded me.

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